



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fumitake YODO

Serial No. : 09/600,509
 Filed : July 17, 2000
 For : TERMINAL DEVICE, ACCOUNTING SYSTEM AND DATA PROCESSING METHOD
 Date : January 17, 2005

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

- No fee is required.
- The fee has been calculated as shown below.
 - Total claims in excess of 20 previously paid for, at \$50 (\$25) ____.
 - Independent claims in excess of 3 previously paid for, at \$200 (\$100) ____.
 - Additional Fee for this Amendment ____.
 - This response is being filed within the first month, second month, third month, fourth month, fifth month following the expiration of the term originally set therefor. Applicants Petition for an extension, and the fee of \$120 (\$60), \$450 (\$225), \$1,020 (\$510), \$1,590 (\$795), \$2,160.00 (\$1,080.00) is due and paid herewith.
 - The fee of \$ set by 37 C.F.R § 1.17(p) for the Information Disclosure Statement is due and paid herewith.
 - A check in the amount of \$ is attached.
 - Please charge any additional fees or credit any overpayment to Deposit Account No. 03-3125.

COOPER & DUNHAM, LLP

Jay H. Maioli Reg. No. 27,213
 COOPER & DUNHAM, LLP
 1185 Avenue of the Americas
 New York, NY 10036
 Telephone (212) 278-0400

3627
JFw

6715/60188



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fumitake YODO

Serial No.: 09/600,509

Filed : July 17, 2000

For : TERMINAL DEVICE, ACCOUNTING SYSTEM AND DATA
PROCESSING METHOD

Group A.U.: 3627

Examiner : Andrew J. Fischer

I hereby certify that this paper is being deposited
this date with the U.S. Postal Service in first class
mail addressed to: Commissioner for Patents, P.O. Box
1450 Alexandria, VA 22313-1450

Jay H. Maioli
Reg. No. 27,213

Date
January 17, 2005

January 17, 2005
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant responds to the Office Action of November 15,
2004 as follows:

Claims 1, 4, 5 and 7 remain in the application.

Reconsideration is respectfully requested of the
rejection of claims 1, 4, 5, and 7 under 35 USC 102(e), as
being anticipated by Peterson '020.

Features of the accounting system according to the
present invention are a second controller included in a
terminal device for transmitting a remaining accounting point

information stored in a first memory built in the terminal device to an accounting center which performs an accounting process based on the remaining accounting point information transmitted from the terminal device.

Independent claim 1 recites these features of the present invention.

It is respectfully submitted that Peterson '020 fails to show or suggest a second controller included in a terminal device for transmitting a remaining accounting point information stored in a first memory built in the terminal device to an accounting center which performs an accounting process based on the remaining accounting point information transmitted from the terminal device.

Peterson '020 is merely teaching the use of a general prepaid card (88 in Fig. 3) which inherently does not transmit remaining accounting points to an accounting center. As described in col. 9, lines 48-53 of Peterson '020, it is merely possible to add (adjust) accounting points to the prepaid card by having the user physically take the prepaid card to a service center to add points to the card or by accessing the service center online ("online process").

Further, Peterson '020 is clearly describing the use of a smart card (88 in Fig. 3) as an alternative to an online payment process, see col. 3, lines 3-5, and the purpose of either payment system is to enable a user to purchase the right to view a movie for a certain fee. Neither the smart card nor the online payment process of Peterson '020 transmits

the remaining accounting points to the accounting center.

Furthermore, regarding the assertions set forth in the Office Action at paragraph 11 stating that the "configured to" language is considered functional language having no patentable weight, it is submitted that the C.C.P.A. has pointed out that there is noting intrinsically wrong in defining something by what it does rather than what it is and, that functional language in the claims must be given full weight and may not be disregarded in evaluating the patentability of the subject matter defined employing such functional language. See In re Hallman, 210 U.S.P.Q. 609, 611 (C.C.P.A. 1981).

It is respectfully submitted that for the above-noted reasons, the general prepaid card taught by Peterson '020 does not inherently function in the manner required by the presently claimed invention.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claims depending therefrom, are patentable distinctly over Peterson '020.

Reconsideration is respectfully requested of the rejection of claims 1, 4, and 5 under 35 USC 103(a), as being unpatentable over Peterson '020 in view of Kupka et al.

The rejection of claims 1, 4, and 5 over Peterson '020 has been addressed above and, because there are no features in Kupka et al. that somehow could be combined with Peterson '020 and result in the presently claimed invention, it is respectfully submitted that claims 1, 4, and 5 are patentable

distinct over Peterson '020 in view of Kupka et al.

Reconsideration is respectfully requested of the rejection of claim 7 under 35 USC 103(a), as being unpatentable over Peterson '020 in view of Goldman.

Claim 7 depends from claim 1, which rejection over Peterson '020 has been addressed above and, because there are no features in Goldman that somehow could be combined with Paterson '020 and result in the presently claimed invention, it is respectfully submitted that claim 7 is patentable distinct over Peterson '020 in view of Goldman.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP


Jay H. Maioli
Reg. No. 27, 213

JHM/PCF:pmc